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7 UNITED STATES DISTRICT COURT
8 WESTERN DISTRICT OF WASHINGTON
AT TACOMA

9 UNITED STATES OF AMERICA,)

10 Petitioner,)

11 v.)

12 DORAN KRAUS,)

13 Respondent.)
14

NO. MC08-5051

ORDER OF REFERENCE
AND DIRECTING RESPONDENT
TO SHOW CAUSE

15 Upon the Petition of the United States Attorney for the above-named district, and
16 the Exhibits attached thereto, including the declaration of investigating Revenue Officer
17 Steve Baker, it is hereby ORDERED THAT:

18 1. The Petition herein is referred to United States Magistrate Judge **KAREN**
19 **L. STROMBOM** pursuant to 28 U.S.C. § 636(b)(1). The Magistrate Judge shall review
20 all pleadings, shall determine whether a hearing is required, shall schedule and preside
21 over such hearing, and shall take such other actions as he/she deems necessary to
22 accomplish the purposes of the Order. The Magistrate Judge shall thereafter submit
23 his/her proposed Order, proposed Findings of Fact and Conclusions of Law, or such other
24 documents as he/she deems appropriate. The originals thereof shall be filed with the
25 Clerk, and copies provided to all parties.

26 2. A copy of this Order, together with the Petition and Exhibits thereto, shall
27 be personally served upon the respondent (or left with a person of suitable age and
28 discretion at the respondent's residence) within three (3) weeks of the date of this Order.

1 Within fourteen (14) days thereafter, the petitioner shall file proof of service, or shall
2 seek additional time to make such service. If the petitioner fails to comply with this
3 paragraph, this action shall be subject to dismissal forthwith.

4 3. The respondent may file with the Court, not later than two (2) weeks after
5 service of this Order upon him, a statement detailing any objections to enforcement of the
6 Internal Revenue Service summons. When factual issues are raised, the statement shall
7 be accompanied by an affidavit, giving the facts on which the objections are based. A
8 copy of this statement and/or affidavit shall be served on the United States Attorney.

9 4. If the Magistrate Judge finds from the statement of objections and any
10 accompanying affidavit that there are no questions of material fact and that the petitioner
11 is entitled to enforcement of the summons as a matter of law, he/she shall recommend
12 entry of an Order Enforcing Summons without scheduling a hearing. If the statement of
13 objections and any affidavit are sufficient to raise the possibility of a valid defense to the
14 summons, the Magistrate Judge shall schedule a hearing to consider the objections.

15 5. Failure to file a timely statement of objections will result in enforcement of
16 the summons without any further pleadings. Only those defenses asserted in the
17 statement of objections will be considered.

18 6. The Clerk shall forward copies of the Order to the above-named Magistrate
19 Judge and the United States Attorney.

20 DATED this 12th day of September, 2008.

21 
22 RONALD B. LEIGHTON
23 UNITED STATES DISTRICT JUDGE

24 Presented by:

25
26 /s/ Kristin B. Johnson
27 KRISTIN B. JOHNSON, WSBA # 28189
28 Assistant United States Attorney